

HERITAGE LINK RESPONSE TO BRE CONSULTATION POLICY REVIEW

Effective Consultation

Heritage Link brings together 81 voluntary organisations concerned with heritage in England representing interests from specialist advisers, practitioners and managers, volunteers and owners, to national funding bodies and local building preservation trusts. Much of the historic environment is cared for - supported, managed or owned - by these organisations and thus they and their members - from local civic societies to the national amenity societies - have a strong interest in policy development as well as much practical experience to contribute.

Heritage Link was set up by the national heritage groups to promote the central importance of the voluntary movement in the sector and to make its voice heard more collectively and coherently so bringing together consultation responses has always been a key activity, not just on heritage policy but also on third sector issues such as volunteering and gift aid whether these come from Government Departments, NDPBs, Select Committees and others. Figures demonstrate rapid growth – 9 in 2004, 5 in 2005, 13 in 2006 and 13 so far in 2007.

As well as responding directly, Heritage Link promotes relevant consultations through Heritage Link Update, the free fortnightly ebulletin which reaches an estimated 8500 readers mostly in England but also in the home countries and beyond. Responding to consultations is part of the organisation's support and information sharing function and promoting sectoral engagement is part of our advocacy work.

With a strong interest in consultation, Heritage Link welcomes the principle that consultation 'is an integral part of policy development'. We see our co-ordinating role as clarifying the shared views of a very diverse sector. Expert scrutiny by our members helps avoid unwanted side effects and by adding our voice from the voluntary sector to those of bigger and more commercial operations, we ensure that solutions are proportionate to a particular issue.

Current Policy

[Q1. Do you think the Government's Code of Practice has led to an improvement in the way the Government consults and to improved policy outcomes? Please illustrate your answer with any concrete examples you may have.](#)

Heritage Link established in 2002 does not pre-date the Code of Practice. In meeting the need for an umbrella organisation to promote and co-ordinate responses from the voluntary heritage sector, it represents a response to the development of Government consultation practice.

[Q2. Are 12 weeks generally the right amount of time for the formal, written element of Government consultations to last? Do you think that there are circumstances where a shorter or longer duration may be more appropriate?](#)

The standard twelve week consultation period is usually sufficient to gather information by email or through committee meetings, to prepare drafts, absorb comments and gather support for a joint response. On occasion a brief extension has been granted and we recommend that this discretion continues.

For the voluntary heritage sector, 12 weeks is easier to meet at some times of year than others. We note that Government departments seem to offload consultations just before Christmas and just before the summer recess (there are 6 currently outstanding). This has implications for the workload of voluntary bodies when many are dependent on volunteers

who may have heavier family and other commitments during these periods. This is especially true of organisations opening summer sites such as heritage railways when all hands are required and policy work has to take back seat.

Monitoring compliance

Q3. Is the system for monitoring and promoting performance of departments in relation to the criteria in the current Code of Practice on Consultation right? What improvements could be made?

No comment

Consultation and Impact Assessment

Q4. Is the new approach to Impact Assessment sufficient to improve public consultation on the evidence base for Government policymaking? How could consultation policy improve consultation on Impact Assessments?

We welcome Impact Assessments, especially where the third sector may have specific issues. We are concerned for example that changes to Gift Aid regulations and to National Minimum Wage legislation is volunteer-proofed so that the changes do not deter smaller voluntary and often volunteer-run organisations by adding to the regulatory burden.

However on some occasions the Regulatory Impact Assessment has been less than useful. The RIA accompanying the Heritage White Paper 2007 did not adequately quantify the all important issue relating to local authority capacity (funding and skills) to implement the reforms, an omission which was widely noted in responses and reduced confidence in the Government's proposals.

Consulting for the right reasons at the right time

Q5. When in the policy development process do you think the Government should consult stakeholders? Please cite any relevant examples when you have been consulted at the right or wrong time.

This must depend on the policy in question. There is a difference between consultation on proposals and public or sectoral engagement in developing proposals. For the Heritage White Paper for example, there was considerable input from the heritage sector on Government led steering groups and sounding boards as well as in practical pilot projects to test proposals before the reforms were published in the Heritage White Paper. This pre-consultation helped shape the proposals and just as importantly helped to strengthen the sense of ownership in the reforms which will generate support for final outcomes.

How best to seek stakeholder input?

Q6. Do you think that more emphasis should be placed on alternative or supplementary approaches to consultation in a revised consultation policy? What supplementary approach or approaches would work best for you/your organisation?

As a national body, we depend heavily on written communications (email) in developing responses. All 81 members are on email but ensuring properly balanced representation if members are not on email would be a challenge. In this respect email has democratised (and fuelled) the consultation process.

In our experience, responses benefit from information sharing. Heritage Link members come together in policy forums through Working Groups on Land-Use Planning, Funding and Social Inclusion or in special sessions for major initiatives such as the Heritage White Paper. Members with their own large and local networks also do this to inform their own responses. (CBA and Civic Trust). Planning Aid is a similar body that has been funded by CLG to help hard to reach groups respond for example to the Planning White Paper. It

exemplifies the support that is needed for local groups -- not only hard to reach groups - to understand the implications of high level policy, with its own jargon and the confidence building that is necessary if they are to feel able to respond. Regional workshops run during the consultation period are a very useful supplementary approach both for the information gained and the networking opportunities.

Our regional networking programme demonstrates that regional policy is an area where some (not all) groups find most challenging.

Awareness-raising

Q7. How do you generally become aware of Government consultations and how would you like to learn about upcoming and current Government consultations?

Usual sources are:

- Regular internet research for fortnightly e bulletin *Heritage Link Update*, ie Departmental websites but also NCVO and ACEVO for third sector issues; email alert from info4local; epolitix
- Press releases from Government Departments.
- Sometime DCMS will alert us directly to relevant consultations from other Departments or asks the Department to consult us eg DTI over the National Minimum Wage and Voluntary Workers.

We alert the heritage sector to consultations and promote active participation through *Heritage Link Update*, the free fortnightly e bulletin noted above. This free service is unique in England and a key element of our information sharing role.

Reporting back following consultations

8. How do you rate the feedback you have seen from Government departments following consultations and what improvements or changes would you like to see in relation to reporting back?

We spend a lot of time and effort responding to consultations so direct notice of responses is welcome both for the analyses of responses and for the list of respondees which shows us what other organisations and individuals are interested. For significant consultations, the response and analysis would be summarised in *Heritage Link Update*.

More guidance would however be useful on statistics. DCMS seems pleased that 350 responses were received in reply to the Heritage White Paper consultation. The previous year it was delighted that 11000 responses had been received in reply to the National Lottery Fund Consultation. But we hear conflicting opinion on whether numbers really count and how they affect the proposals. We are not sure how umbrella organisations' contributions are weighted, whether Heritage Link's contribution is considered as a single response or by the number of our members that have 'signed up' to it, a figure that ranges from 14 to 78.

We suspect that 'block' responses are discounted; that software is being used to track similar phrases with the implication that similar responses are not in some way 'valid'. We would like guidance how postcard campaigns are viewed. We and our members are concerned that responses that do not 'fit' with the formal questions may be discarded.

We would like to see guidance on the most effective way to respond to consultations and direct notification to the respondees when the analysis is available. The response and analysis should always be made public on the relevant Departmental website.

Consultation fatigue

9. Is “consultation fatigue” an issue for you? If so, why is this and how do you think this issue could be overcome?

Consultation 'fatigue' needs to be better defined. As consultation work is a core activity for Heritage Link, so-called fatigue is less of an issue than capacity. In August 2007 we have 7 departmental and NDPB consultations to respond to by 19th October. For members depending on input from volunteers, actual fatigue may be an issue but there is less incentive to participate if it is not thought that it will make any difference, so fatigue can mask frustration.

We recommended in *Making Consultation Matter*¹ that the Government's enthusiasm for more and more consultation needs to be backed up by more adequate resources, including capacity to provide proper feedback to those who have contributed.

Other issues

Q10. Please feel free to give us any other views you may have about the effectiveness of current consultation policy, the future of consultation policy, the case studies in this paper and other examples from the UK or elsewhere.

1. We have only once formally complained to DCMS on behalf of members about a consultation. The National Lottery consultation 2006 was an on-line process.

'Members commented that the web-based questionnaire did not allow them to express their views adequately, that the questions restricted the response; that the 'double' question made it difficult to reply to one without the other; and that the box for additional comment, at 500 characters, was far too short. The paper leaflet was even shorter. It is easier for an individual to complete a web based questionnaire than organisations run by committee, but many managed to do so.'

'In view of these difficulties posed by the format in providing well articulated responses to the issues raised in the questionnaire, several of our members and Heritage Link itself felt it necessary to make separate submissions. We have since heard that these will not be included in the statistical analysis, nevertheless we would be very concerned if the substance of these had been disregarded in terms of understanding the arguments for maintaining lottery funding for the heritage. I hope you can reassure us on this point.' Heritage Link Chairman to Head of Lottery Policy, DCMS 7 6 06.

While we accept that freestyle responses are more difficult to analyse, 'closed' questions prejudice the issues. Another frequently voiced complaint that the questions ask for detail but miss the bigger picture altogether. Respondees are therefore faced with the choice of replying at this level, implying that the principles are acceptable or not replying at all although closely interested.

2. Openness, transparency, accountability, fostering active citizenship - the principles behind the more consultative style of governance at central, regional and local level are welcome but meaningful engagement cannot be sustained without continual review as expectations rise and technologies develop. Our working practices will continue to develop and adapt to accommodate the additional workload. In the voluntary heritage sector, and in other parts of the third sector where volunteers are essential, costs should be considered in terms of time as well as money.

Heritage Link's 2006 research *Making Consultation Matter* on voluntary sector experience of Local Authority Consultation on Land Use Planning made some conclusions relevant to central government consultation policy.

1 Generally, heritage groups are confident in their ability to play a positive role in the planning process. They need to make their voices heard because they know that their participation can make a real difference.

2 Where the consultation process works, and the contributions of heritage groups are taken on board, it brings benefits in line with wider government policies: strengthened communities, civic involvement in local government, and an improved quality of the built and natural environment.

3 However, the potential benefits of consultation are reduced because the capacity and resources of heritage groups often lag behind their aspirations. Investment in these areas is critical to sustaining community involvement.

4 If central government wants to change the planning culture so as to deliver sustainable communities, it also needs to develop the skills and capacity of local planning authorities to deal effectively with planning consultations.

Our research found a disparity between government guidance and rhetoric on planning consultations and the real experience of heritage groups on the ground and is borne out in feedback from our series of regional events. Local groups find Regional and Highways Agency consultations are the least satisfactory. We suggest that there should be some consistency between central, regional and local government consultation principles.

Options

Q11. Do you think any of these options would make for a good consultation policy? If so, which option and what changes could be made to improve it?

We support Option 1 Written consultation plus one other method. Agencies such as Planning Aid and Heritage Link could be used (contracted) to research and provide an appropriate additional method. Flexibility over the form of the supplementary method allows for an appropriate solution but this approach is resource heavy for Government and consultees. The enclosed summary of our research *Making Consultation Matter*¹ showed that standard notification letters were the preferred method of participation for all types of planning matters but then the preferences for workshops, public meetings and exhibitions differed according to topic.

Option 2 the option of a fast track procedure disenfranchises organisations not on 'the list' and will inhibit the development of wider e-consultation.

Option 3 The essential requirement for a successful Principles based approach designed around the needs of the stakeholders is that the Government Department accurately identifies the stakeholders and continually refreshes the list of stakeholders to take account of changing policies, new organisations etc before being in a position to take their consultation needs into account. This approach will demand much greater flexibility from Government. While the Department 'may decide that no formal consultation is required', parties that were not included in the previous 'regular meetings' may object. This option would only work if excluded parties have some means of appeal.

Q12. Are you content with the Government's preliminary analysis that the options identified in the consultation document would not impose costs on the private or third sectors?

¹ A copy of the summary of Making Consultation Matter is enclosed (also at http://www.heritagelink.org.uk/docs/HL_Consultation_06%20FINAL.pdf) and the full report is available from the office or from the website at http://www.heritagelink.org.uk/docs/MCM_full.pdf We would be glad to discuss the findings of these in more detail.